THE PRESENT POSTURE OF NEGRO ALLEGIANCE

TO THE DEMOCRATIC PARTY

Confidential Memorandum of Meeting with

Roy Reuther, Leightman of COPE,

Davis of AFL-CIO Civil Rights,

Bill Oliver and Bill Dodds

On April 24 the named persons met in Washington to review the present prospects for Negro voting in 1964 in the Presidential and Congressional races. Recent indications of erosion which were discussed at the meeting, and are set forth here, give grounds for serious concern at the present trend. There was agreement reached as to the steps which must be taken, also reviewed in this memorandum, of concern equally to those within the Administration and those working for civil rights and Democratic candidates from without. It was felt that the present worrisome trend requires immediate implementation of the recommended remedial measures.

1. Recent Developments. During the early days of this Administration a variety of its responses to civil rights needs enabled it to maintain high political adherence in the Negro communities. Recently, however, there have been indications of disaffection among a large enough group to be of real political concern both for the Presidential race and for the Senate "class

of 58°. Messrs. Wrightman, Clive, and Davis reported on three developments in the Negro communities.

The immediate reaction to the recent announcement that the President had spoken to Mrs. King by telephone while her husband was in jail, was distinctly negative. In contrast to the reaction when the President was a candidate and had no direct power other than this kind of communication and moral support, the present news was received by Negroes as indicating that the President is using worn out devices. Moreover, it was immediately asked why the President of the United States should console Mrs. King rather than take steps to obtain the release of Reverend King from jail.

Even stronger was the reaction in the Negro community to the headlines concerning the President's repudiation of the Civil Rights Commission suggestion that Mississippi funds be discontinued. The more sensitive persons asked why the President had spoken up so soon against the Commission recommendation. Others wondered at the President's present position concerning aid to Mississippi, since the Administration has so consistently emphasized executive power in civil rights to withhold funds from discriminators.

The most significant response was reported concerning the Republican-sponsored civil rights "package" offered in the Congress

some weeks ago. Actually, all or almost all of the measures in the "package" were originally sponsored by Democratic Congressmen. Furthermore, the Republican package comes from the liberal minority of the Republican Senatorial group and has no Republican leadership support. Yet there has been a strong response asking where the Democratic package is, since there is an obvious difference between the President's modest legislative requests and the shiny Republican package. Particularly vulnerable are the Democratic Congressmen, who have presently no comparable item to offer to match the Republican promise.

It was emphasized at the meeting that the impact of this Republican package has not been merely casual. In a period when a significant number of Negro leaders (or potential leaders) have been approached by Republicans for 1964 support, the failure of the Democrats to provide a forthright range of civil rights bills has serious implications. And in addition to the obvious difference between the Administration proposal and the Republican package, there is no feeling abroad that the President is serious about trying to enact even his own very limited proposals. There is also expressed discontent with the Majority Whip, for holding Democratic Congressmen off the Republican package. If Republican support was welcomed earlier in this session in the rules fight,

Negroes are unable to understand why bipartisanship is rejected by Democrats in Congress when it comes to substantive legislation.

2. The Fundamental Problem. It was agreed at the meeting that the recent reactions, while significant in their own right, also point to the more basic problem which this Administration will increasingly face in Negro communities, and particularly those of the North. With the continuing high Negro unemployment rate and the continued inability of most Negroes to improve their housing situation in the ghettos of northern cities, the shining promise of executive action will increasingly contrast with the poverty of the actual improvement in their lot. With all the credit given the Administration for appointment of Negroes to high office and the issuance of Executive Orders, the fact remains that the average Negro in the North does not see any results in his own life from these public acts and pronouncements. There is emerging a significant portion of the Negro community which does not associate itself with the Administration's appointment of Negroes to office and its promulgation of federal policies and orders. And there now exists an organized Negro movement which rejects any alliance with the white political party.

Among Negroes the President and Democratic Congressmen will thus steadily continue to lose support -- unless the President is

able to deliver visible improvement in employment, housing and other such issues, of there is clear manifestation that the Administration and Democratic Congressmen stay in the lead over Republican liberals in fighting for improved conditions for Negroes. Meanwhile, there is developing a feeling among Negroes that the Administration has lost its appetite for the New Frontier in civil rights, even in such areas as voting rights where it has earlier given the clearest signs of serious commitment.

3. Political Implications. The political implications of the foregoing were agreed to be the following:

With the uncertainty concerning the Democratic majority in some southern states, the present trend is of concern for the electoral vote in 1964. Even a 3-5% slippage in the high Democratic vote in the Negro communities could mean defeat in close states such as Illinois, New York, Michigan, Ohio and California. Moreover, there is even more concern on behalf of Democratic Senators in the "Class of 58". Some, like Young of Ohio, have neglected the Negro community. But even those (such as Phil Hart) who have been earnest in this area, may now be in difficulty. They do not obtain political credit from the Administration's executive action, yet they shoulder the blame for the failure of action in a Democratic Congress. Particularly

embarrassing for these Congressmen is the present situation, where against the Republican "package" in civil rights, they have no comparable product to offer and are supporting the modest Administration proposals which, bland as they are, do not even appear likely of enactment. The Republicans have seized on this dilemma, and are conveying the word in the Negro community that Democrats are running away from their prior civil rights bills and commitments as well as the clear commitments of the Democratic Platform.

There is enough indication of political slippage in the Negro communities of the North to require most serious attention now, both within and without the Administration.

4. Recommendations. There was a consensus at the meeting that there are three priority action items:

(1) A visibly earnest and successful Administration effort to enact its own civil rights bill. The principal appeal of the President's Congressional recommendations is that they are addressed to the enlarged power of the federal courts to protect civil rights. Negroes have long felt and still feel that their principal "friend" in the white community is neither the executive nor the legislature but the courts. To this extent, there has been positive response to the President's legislative proposals...

for enlarged judicial power. But if he does not achieve their enactment, and at least if he does not give the appearance of fighting fully and earnestly for enactment, whatever advantage was gained may be lost. Republicans will show up the modesty of the President's legislative program, and it appears essential that he and his Democratic friends in the Congress should be able to claim the actual enactment of legislation strengthening the judicial hand in civil rights. But there is not now any demonstration through the press or otherwise, that the President intends an all-out fight for his legislation.

(2) A "package" or other civil rights program sponsored by Democratic Congressmen to match the promise of the Republican package. For the protection of the Democratic Congressional candidates, it is essential that a product be available to match the Republican package. Presently it is not clear whether this product should be a Democratic package, a strong Democratic bill in a particular area such as grants in aid or FEPC, or possibly a package which includes some new and appealing proposals in one or two key areas. But whatever is worked out, all agree that without some new product espoused by Democratic Congressmen there is serious trouble ahead. The Administration must "unleash" its Democratic supporters in the Congress, and welcome their support of

a forward-looking civil rights program for which they will fight -- even though they may ultimately achieve the enactment only of a more modest program comparable to the President's proposals. On introduction of a new Democratic legislative proposal the President could say that he welcomes the move, consistent with his February message to the Congress where he stated that "Other measures directed toward these same goals will be favorably commented on and supported, as they have in the past -- and they will be signed, if enacted into law."

(3) Executive Order extending the removal of federal support for discrimination and segregation into more areas and particularly to the grant-in-aid and assistance programs. In the aftermath of the dispute over the withdrawals of funds from Mississippi, it is urgent that the President continue to extend the program of executive action to show that it has not been abandoned since his Mississippi statement. The present "pass the buck" situation is truly remarkable. On April 24th, Speaker McCormack led the opposition to a civil rights amendment of the Powell variety on the medical aid bill, on the ground that "I do not think we ought to take any calculated risk which would endanger the passage of this bill" (Cong. Rec. 6526). Yet on the same day, the President at his press conference was defending the limitations

of his executive action in the South in the sense that "we are working, with every legislative legal tool at our command to insure protection of the rights of our citizens." And while the President has said he would continue "not to expend federal funds in such a way as to encourage discrimination," everyone knows that the vast bulk of federal funds in the South, and particularly in Mississippi, is supporting segregation in education, employment and other areas.

What is required is an Executive Order applying to all federal agencies the concept espoused by the President -- that no federal funds will be spent "in such a way as to encourage discrimination". In other words, federal funds should be denied to those who refuse to end discrimination and segregation in their activities. This principle is the basis of the President's Housing Order, and is available for extension to federal grant programs in education, health, welfare etc.

In any event, there must be new executive orders and <u>better performance on existing executive orders</u>. / There is a feeling

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/ Two prime areas for new executive orders are the areas of federal aid to segregated higher education and the placing of "off-limits" to service men of public accommodations which refuse to serve their Negro fellow-soldiers. The Civil Rights Commission has developed considerable information and expertise regarding these two potential executive orders, both of which can achieve major changes in prevailing segregated practices with relatively little opposition and outcry. The off-limits order might well have obviated the public accommodations dispute which sparked the recent Birmingham

that the weakest spot in the Administration is the Department of Health, Education and Welfare, which handles most of the grant-in-aid programs and has been the slowest to move ahead. The blunder of the Department a few weeks ago in announcing the operation of a "triple system" of schools in the impacted areas, is indicative of the political and civil rights weakness in this Department. The recent Housing Conference in Washington also exposed the glaring weakness in the present operation of the Executive Order in housing. It is now an open secret that implementation of the Order is not being pursued in the enlightened, dedicated and responsible fashion in which the state agencies in this area having long been proceeding.

(4) Establishment of Real Communication Between Administration and Civil Rights Leaders. The recent events in Birmingham emphasize the fact that during the next six years the Administration and the civil rights leadership will repeatedly be dependent upon each other for support. Orderly school integration increased voter registration, and peaceable solution of Negro community protests

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incident. And it is felt that business establishments throughout the North [illegible] would change their practices following an "off limits" order.

in segregated southern cities, all xx require the intelligent interplay of strategy between civil rights leaders and Administration leaders. Yet there is developing on both sides an increased feeling of "go it alone". On neither side is there a full understanding of mutual needs and political problems. In this situation civil rights leaders are driven to disruptive mass protests as the only feasible means of obtaining government support for reform while Administration leaders are reduced to futile public exhortations to the Negro community to go slow.

By a series of top level private meetings with the Attorney General on a regular basis, it might be possible to begin improvement in relations. But on the part of the Administration real progress in this area will require also a larger awareness of the political reality in the Negro community. For if Roy Wilkins and the other leaders are given no credit for Administration progress in civil rights and are thus left with no demonstrable civil rights advantage from cooperation with the Administration, they will either forsake the effort at cooperation or the Administration will keep the leaders but lose the troops. There is also a visible absence of real civil rights strengths and a civil rights representative in the White House. There is urgent need for a Presidential assistant (possibly Bernhard or Bill Taylor) with direct access w to the President on civil rights problems. This may imply

some readiness by the Administration to accept close to itself, an "activist" for civil rights, and to date there has not been manifested such an inclination at the White House.

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The recommendations made above proceed on the assumption that the present Administration ~~xxxxx~~ investment of talent, manpower and attention to civil rights and Negro needs, is inadequate to achieve orderly advancement in civil rights and maintenance of the ~~Negro~~ Negro political support given in 1960. But the recent Birmingham incident also demonstrates that apart from affirmative steps to improve the general rate of progress in civil rights, the Administration must fashion a new approach to the inevitably recurring sit-ins and other community protests.

The Administration has never taken seriously the self-help movement which commenced in 1960. Only with the greatest difficulty and on the most modest basis was the Solicitor General induced to support the sit-in defendants in the cases presently pending in the Supreme Court. And in situations such as Leflore County, Birmingham, and somewhat earlier at the time of the freedom rides, the Department of Justice has repeatedly taken a "wait and see" attitude before moving in. In each case the Department of Justice first sits out the situation in the hope

that it will resolve itself, then moves in with a conciliation approach but no manifest show of force and determination and is finally reduced to the last extremity of troops or marshals when the prevailing approach proves fruitless. Unfortunately, in this decade civil rights will at best be an unruly horse and the choice for the Administration is only whether it will seek to ride the horse or be dragged after. The new apporach which is required is one in which the power of the Administration is employed earlier, more forcefully and more imaginatively in an effort to control gathering forces to the extent possible.

In specific terms what is required in Brimingham, Leflore and like situations is the following:

1. A larger and more dedicated force of FBI men within the white citizens councils where the trouble usually begins.

2. An expert conciliation and negotiation force drawing upon Civil Rights Commission and other talents in the government to be dispatched much sooner to the scene of gathering difficulty than has been the case when the Assistant Attorney General has finally arrived furing past incidents.

3. Immediate Administration manifestation of support for consitutional rights rather than generalities about "extremists on both sides", and disclaimers of federal power to intervene. The least intimation of federal disinclination to intervene for

the support of the Negroes is enough to encourage the Barnetts and the racists at lower levels within the state to continue defiance to the last moment.

4. Department of Justice readiness to obtain immediate injunctions against plice officers violating constitutional rights. It is inexplicable that the Department of Justice permits police officers to arrest or disband peaceable freedom hikers, Nergro marchers to the polls and the like. Following the Faubus incident the Supreme Court made clear that pretended law enforcement to maintain segregation will not be countenanced. The Administration's failure to move against the police officials who flaunt the Constitution is not and will not be understood in the Negro community. And while the Department of Justice is understandably reluctant to clash with local and state police authorities in the courts, there is no other choice for the Administration. For unless and until the Administration moves in the strongest terms against the continuance of the Faubus tactic of pretended "law enforcement", this will remain the preferred means for white racists in the South to hold the line against the desegregation movement.

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
SUPREME COURT BUILDING
WASHINGTON 25, D. C.

WARREN OLNEY III
DIRECTOR

WILL SHAFROTH
DEPUTY DIRECTOR

April 18, 1963

Honorable Robert F. Kennedy
The Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Attorney General:

As a result of information forwarded to me from time to time by the Department of Justice, I have felt obliged to raise with the Committee on Court Administration of the Judicial Conference of the United States, of which Chief Judge John Biggs, Jr. of the Court of Appeals of the Third Circuit is Chairman, the ethics of Federal judges engaging in the management of business and commercial enterprises having extensive economic and financial interests within the territorial jurisdiction of those judges.

A copy of my letter to the Chairman and the Members of the Committee calling this matter to their attention is enclosed for your information.

The next meeting of the Committee is presently set for August 5th through the 8th and, no doubt, this matter will be included in the agenda.

If the Department is aware of any other Federal judges similarly engaged in business and commercial enterprises within their geographical jurisdiction, it would be most helpful to the Committee, I am sure, to have the details at the time of the Committee meeting.

Sincerely yours,

Warren Olney III

Warren Olney III,
Director.

Send copies to Asst AGs for their information

Enc.

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April 18, 1963

TO THE CHAIRMAN AND MEMBERS OF THE COMMITTEE ON COURT ADMINISTRATION OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

The Department of Justice has recently put me on notice that certain members of the federal judiciary are presently engaged in the management of business and commercial enterprises having extensive economic and financial interests within the territorial jurisdiction of those judges.

Specifically, I am on notice that Chief Judge Seybourn H. Lynne, of the Northern District of Alabama, is now and for some years past has been serving on the Board of Directors of the Ingalls Iron Works, Ingalls Shipbuilding Company, Exchange Security Bank of Birmingham, and Mutual Savings Life Insurance Company of Decatur, Alabama. It is established that in April 1962 Judge Lynne was paid $15,000 for services rendered to the two Ingalls Companies.

In prior years both Companies have been involved in extensive litigation in the United States District Court for the Northern District of Alabama, and Judge Lynne has acted as Judge in some of these cases, in one of which a judgment in a large amount was awarded in favor of the Ingalls Companies and against the United States.

I am also on notice that Judge James H. Meredith, United States District Judge for the Eastern District of Missouri, is and has been a Director of General Bancshares Corporation of St. Louis, Missouri, and that the management has solicited proxies to be voted at the annual election of directors, set for April 17, 1963, for the re-election of last year's directors, including James H. Meredith who is described in the Company's solicitation as "United States District Judge for the Eastern District of Missouri."

The same solicitation indicates that General Bancshares Corporation has ten bank subsidiaries, one of which is named the Commercial Bank of St. Louis County. The same material describes Judge Meredith as a director of that bank and,

with respect to his interests therein, lists $56,543.36 as "Cash Sale Price Received" by him. Judge Meredith is also listed as director of a second subsidiary called Lindbergh Bank.

It has also been brought to my attention that it was publicly announced on April 4, 1963 that Mr. Justice Charles E. Whittaker, former Associate Justice of the United States Supreme Court, had been elected Director of United Funds Inc., a mutual fund company based in Kansas City, Missouri. While Mr. Justice Whittaker retired from the Supreme Court on the basis of permanent disability, he has since requested on a number of occasions, I am informed, designation to sit on the Court of Appeals, in which event he would appear to be in the same situation as Judges Lynne and Meredith.

For consideration in connection with this matter, I am enclosing a copy of Executive Order 10939, "To Provide a Guide on Ethical Standards to Government Officials," issued by President John F. Kennedy, May 5, 1961.

The activities of the Judges mentioned above, and of the Justice, should he now accept designation to sit on the Court of Appeals, contravene Canon 25 of the American Bar Association's Canons of Judicial Ethics and appear to be irreconcilable with the standard of ethics prescribed by the President for government officials in the Executive Branch. I feel obliged to raise with the Committee whether it is desirable and in the public interest for the Judiciary to observe lower ethical standards than those prescribed for government officials in the Executive Branch.

Sincerely yours,

Warren Olney III

Warren Olney III,
Director.

Enclosure

DEPARTMENT OF JUSTICE

Washington, D. C.

May 31, 1961

Memo No. 295

TO HEADS OF DIVISIONS, BUREAUS, AND OFFICES

Re: Code of Ethics

There are attached a copy of Executive Order 10939 "To Provide a Guide on Ethical Standards to Government Officials" and a copy of the President's Special Message to the Congress on conflicts of interest.

Inasmuch as the Code of Ethics should apply to all employees of the Department it is desirable that the order and the message be brought to their attention for their information and guidance. Extra copies of each are attached for circularization.

Please note paragraph No. 5 of the order which says, among other things, that no reimbursement or other compensation should be accepted in those instances where the Government pays the cost. Any question as to the application of this section in a particular case should be submitted to this office for decision.

Department of Justice Order No. 46-54 on the Prohibition of Outside Activities and Order No. 145-57 prescribing Standards of Conduct relating to personal business transactions and other dealings of employees, continue in full force and effect and are supplemented by the provisions of Executive Order 10939.

Byron R. White
Deputy Attorney General

THE WHITE HOUSE

EXECUTIVE ORDER #10939

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TO PROVIDE A GUIDE ON ETHICAL STANDARDS
TO GOVERNMENT OFFICIALS

WHEREAS the maintenance of high ethical and moral standards in the conduct of the functions of the Federal Government is a matter of continuing concern; and

WHEREAS it is incumbent upon those who occupy positions of the highest responsibility and authority to set an impeccable example:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

1. This Order shall apply to all heads and assistant heads of departments and agencies, full-time members of boards and commissions appointed by the President, and members of the White House Staff.

2. No such official shall engage in any outside employment or other outside activity not compatible with the full and proper discharge of the responsibilities of his office or position. It shall be deemed incompatible with such discharge of responsibilities for any such official to accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, resulting in:

(a) . Use of public office for private gain;
(b) . An undertaking to give preferential treatment to any person;
(c) . Impeding government efficiency or economy;
(d) . Any loss of complete independence or impartiality;
(e) . The making of a Government decision outside official channels; or
(f) . Any adverse effect on the confidence of the public in the integrity of the Government.

3. No such official shall receive compensation or anything of monetary value, other than that to which he is duly entitled from the Government, for the performance of any activity during his services as such official and within the scope of his official responsibilities.

4. No such official shall receive compensation or anything of monetary value for any consultation, lecture, discussion, writing or appearance the subject matter of which (a) is devoted substantially to the responsibilities, programs or operations of the official's department or agency, or (b) draws substantially upon official data or ideas which have not become part of the body of public information.

5. Paragraphs 3 and 4 of this Order shall not preclude

(a) Receipt of bona fide reimbursement, to the extent permitted by law, for actual expenses for travel and such other necessary subsistence as is compatible with this directive and in which no government payment or reimbursement is made; provided, however, that there shall be no reimbursement or payment on behalf of the official for entertainment, gifts, excessive personal living expenses, or other personal benefits;

(b) Participation in the affairs of charitable, religious, non-profit educational, public service or civic organizations, or the activities of national or state political parties not proscribed by law;

(c) Awards for meritorious public contribution given by public service or civic organizations.

6. Each department and agency head shall review or issue internal directives appropriate to his Department or agency to assure the maintenance of high ethical and moral standards therein.

7. Nothing in this Order shall be construed to supersede, alter, or interpret any existing law or regulation.

JOHN F. KENNEDY

THE WHITE HOUSE,

May 5, 1961.

THE WHITE HOUSE

SPECIAL MESSAGE ON CONFLICTS OF INTEREST

TO THE CONGRESS OF THE UNITED STATES:

No responsibility of government is more fundamental than the responsibility of maintaining the highest standards of ethical behavior by those who conduct the public business. There can be no dissent from the principle that all officials must act with unwavering integrity, absolute impartiality and complete devotion to the public interest. This principle must be followed not only in reality but in appearance. For the basis of effective government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter.

I have firm confidence in the integrity and dedication of those who work for our government. Venal conduct by public officials in this country has been comparatively rare -- and the few instances of official impropriety that have been uncovered have usually not suggested any widespread departure from high standards of ethics and moral conduct.

Nevertheless, in the past two decades, incidents have occurred to remind us that the laws and regulations governing ethics in government are not adequate to the changed role of the Federal Government, or to the changing conditions of our society. In addition, many of the ethical problems confronting our public servants have become so complex as to defy easy common sense solutions on the part of men of good will seeking to observe the highest standards of conduct, and solutions have been hindered by lack of general regulatory guidelines. As a result many thoughtful observers have expressed concern about the moral tone of government, and about the need to restate basic principles in their application to contemporary facts.

Of course, public officials are not a group apart. They inevitably reflect the moral tone of the society in which they live. And if that moral tone is injured -- by fixed athletic contests or television quiz shows -- by widespread business conspiracies to fix prices -- by the collusion of businessmen and unions with organized crime -- by cheating on expense accounts, by the ignoring of traffic laws, or by petty tax evasion -- then the conduct of our government must be affected. Inevitably, the moral standards of a society influence the conduct of all who live within it -- the governed and those who govern.

The ultimate answer to ethical problems in government is honest people in a good ethical environment. No web of statute or regulation, however intricately conceived, can hope to deal with the myriad possible challenges to a man's integrity or his devotion to the public interest. Nevertheless formal regulation is required -- regulation which can lay down clear guidelines of policy, punish venality and double-dealing, and set a general ethical tone for the conduct of public business.

Such regulation -- while setting the highest moral standards -- must not impair the ability of the government to recruit personnel of the highest quality and capacity. Today's government needs men and women with a broad range of experience, knowledge and ability. It needs increasing numbers of people with top-flight executive talent. It needs hundreds of occasional and intermittent consultants and part-time experts to help deal with problems of increasing complexity and technical difficulty. In short, we need to draw upon America's entire reservoir of talent and skill to help conduct our generation's most important business -- the public business.

This need to tap America's human resources for public purposes has blurred the distinctions between public and private life. It has led to a constant flow of people in and out of business, academic life and government. It has required us to contract with private institutions and call upon part-time consultants for important public work. It has resulted in a rapid rate of turnover among career government employees -- as high as twenty per cent a year. And, as a result, it has gravely multiplied the risk of conflicts of interest while seriously complicating the problem of maintaining ethical standards.

These new difficulties and old problems led me to appoint, immediately after my inauguration, three distinguished lawyers to review our existing conflict of interest laws and regulations. This panel was composed of Judge Calvert Magruder, retired chief judge of the First Judicial Circuit; Dean Jefferson B. Fordham of the University of Pennsylvania Law School; and Professor Bayless Manning of the Yale Law School. The proposals put forward in this message are in large measure based upon their work and that of others who have considered the problems in recent years.

The recommendations of this panel were arrived at after careful study and review of the work of other groups, particularly the 1958 staff report of the Anti-Trust Subcommittee of the House Judiciary Committee under Congressman Celler; the pioneering study in 1951 by a subcommittee of the Senate Committee on Labor and Public Welfare under Senator Douglas; the recent report of the staff of the Senate subcommittee on National Policy Machinery of the Committee on Government Operations headed by Senator Jackson; and valuable appraisals conducted during the last administration by the executive branch, and by the Association of the Bar of the City of New York.

All of these studies have emphasized the seriousness of the problem encountered. All have recommended that our outmoded and hodge-podge collection of statutes and regulations be amended, revised and strengthened to take account of new problems. If the proposals have varied in their details, all have underscored the need for legislative and executive action in a commonly agreed direction.

I. STATUTORY REFORM

There are seven statutes of general application termed "conflict-of-interest" statutes. Many others deal with particular offices or very limited categories of employees. These latter usually exempt officials from some or all of the general restrictions. Occasionally they impose additional obligations.

The seven statutes cover four basic problems:

-- The Government employee who acts on behalf of the Government in a business transaction with an entity in which he has a personal economic stake. (18 U.S.C. 434)

-- The Government employee who acts for an outside interest in certain dealings with the Government. (18 U.S.C. 216, 281, 283)

-- The Government employee who receives compensation from a private source for his government work. (18 U.S.C. 1914)

-- The former Government employee who acts in a representative capacity in certain transactions with the Government during a two-year period after the termination of his Government service. (18 U.S.C. 284, 5 U.S.C. 99)

Five of these statutes were enacted before 1873. Each was enacted without coordination with any of the others. No two of them use uniform terminology. All but one impose criminal penalties. There is both overlap and inconsistency. Every study of these laws has concluded that, while sound in principle, they are grossly deficient in form and substance.

The fundamental defect of these statutes as presently written is that: On the one hand, they permit an astonishing range of private interests and activities by public officials which are wholly incompatible with the duties of public office; on the other hand, they create wholly unnecessary obstacles to recruiting qualified people for government service. This latter deficiency is particularly serious in the case of consultants and other temporary employees, and has been repeatedly recognized by Congress in its enactment of special exemption statutes.

Insofar as these statutes lay down the basic law restricting the private economic activities of public officers and employees they constitute a sound and necessary standard of conduct. The principle which they embody in varying form -- that a public servant owes undivided loyalty to the government -- is as important today as when the first of these statutes was enacted more than a century ago. However, the statutory execution of this principle in the seven statutes of general application was often directed to specific existing evils which at the time of their enactment were important political issues. As a result large areas of potential conflict of interest were left uncovered.

For example, where some of these conflict-of-interest statutes are restricted to "claims of money and property" -- as the courts have said -- they do not protect the government against the use of official position, influence or inside information to aid private individuals or organizations in government proceedings which involve no claims for money or property. Yet the danger of abuses of government position exists to a great degree in proceedings such as license applications for TV or radio stations, airline routes, electric power sites, and similar requests for government aid, assistance or approval.

Thus, literally read, it would be a crime punishable by fine or imprisonment under these statutes for a postal clerk to assist his mother in filing a routine claim for a tax refund, but it would be permissible for a Cabinet officer to seek to influence an independent agency to award a license for a valuable TV station to a business associate in a venture where he shared the profits.

There are many other technical inadequacies and statutory gaps. Section 434 of title 18, born of the Civil War procurement scandals, prohibits a Government official interested in the pecuniary profits of a business entity from acting as an officer or agent of the United States for the transaction of business with that business entity. By limiting its scope to "business entities" the statute does not cover the many other organizations which deal with the Government. In addition, the concept of "transacting business", if narrowly construed -- as would be likely in a criminal prosecution -- would exclude many dealings with the government, such as the clearance or rejection of license applications in the executive branch or before an independent agency.

Similar defects exist in the case of government officials who have left government service. Clearly such an official should be prohibited from resigning his position and "switching sides" in a matter which was before him in his official capacity. But for technical reasons the statutes aimed at this situation do not always hit the mark. There is nothing in the criminal statutes which would prevent the General Counsel of the Federal Power Commission from resigning to represent an unsuccessful license applicant who is contesting the Commission's decision in the courts (although such conduct might be grounds for disbarment). And, a Commission employee who was not a lawyer could, in the present state of the law, unscrupulously benefit in such a case from his "inside information" without fear of sanctions.

But if the statutes often leave important areas unregulated, they also often serve as a bar to securing important personal services for the government through excessive regulation when no ethical problem really exists. Fundamentally, this is because the statutes fail to take into account the role in our government of the part-time or intermittent advisor whose counsel has become essential but who cannot afford to be deprived of private benefits, or reasonably requested to deprive themselves, in the way now required by these laws. Wherever the government seeks the assistance of a highly skilled technician, be he scientist, accountant, lawyer, or economist, such problems are encountered.

In general, these difficulties stem from the fact that even occasional consultants can technically be regarded as either "officers or employees" of the government, whether or not compensated. If so, they are all within the prohibitions applicable to regular full-time personnel.

A few examples illustrate some of the difficulties:

Section 281 of the Criminal Code forbids public employees from rendering services to outsiders for compensation in connection with any matter in which the United States is interested and which is before a department agency or commission.

This section makes it almost impossible for a practicing lawyer to accept a part-time position with the Government. He would be in violation of Section 281 if he continued to receive compensation for cases before government agencies, or even if his law partnership receives such compensation, though he personally has no connection with any case. It is usually impractical for the law firm to withdraw from all transactions involving the government. And almost all law firms have some tax matters, for example, as part of their normal business. The same prohibition unfairly affects accountants.

In addition, the two existing postemployment statutes raise serious problems in terms of recruiting non-career personnel, (particularly lawyers). Enacted at different times, they employ different terms and are totally uncoordinated in language or in policy.

The criminal statute (18 U.S.C. 284) forbids a former employee for two years after his government employment ceases to prosecute in a representative capacity any claim against the government involving a "subject matter" directly connected with his government job. The civil statute (5 U.S.C. 99) forbids employees of an executive department for two years after the end of their government service from prosecuting in a representative capacity any claim against the United States if the claim was pending before "any department" while he was an employee.

These prohibitions are unnecessarily broad. They should be confined to "switching sides." For example, they now prohibit a lawyer who worked for the Department of Labor from subsequently representing a client in a wholly unrelated tax matter which had been before the Treasury during his government service.

These restrictions prove an even more formidable barrier to the part-time consultant who works in a partnership since he and his partners would be excluded from participation in many if not all claims against the Government -- a severe and unnecessary penalty for contributing to public service. It is possible to cite many other examples of excessive restrictions which serve no ethical purpose, but effectively bar government from using available talent.

It is true that a large number of statutory exemptions passed at various times over the years have mitigated some of the adverse effects of these statutes upon certain specific individuals and certain categories of employees. However, no uniform standard of exemption has ever been adopted by the Congress in enacting these exemptions. Many of the exemptions are inconsistent. Some exemptions are subject to so many limitations as practically to nullify them. Some statutes unqualifiedly exempt categories of employees from all of the conflict statutes. Others exempt them from some but not all of the restrictions. The resulting hodge-podge of exemptions seriously weakens the integrity of the Government personnel system.

To meet this need for statutory reform, I am transmitting to the Congress a proposed Executive Employees' Standards Act -- a comprehensive revision of existing conflict-of-interest statutes. I believe that this bill maintains the highest possible standards of conduct, eliminates the technical deficiencies and anachronisms of existing laws, and makes it possible for the government to mobilize a wide-range of talent and skill.

First, the bill closes gaps in regulation of the type discussed above, and eliminates many of the pointless differences in treatment. For example, no longer will some former government employees be subject to more severe restrictions simply because they once worked for one of the ten executive "departments" rather than in an agency which is not technically a department.

Secondly, the bill overrules existing judicial interpretation that only when a claim for money or property is involved is a former government employee prohibited from working for a private interest in a matter for which he once had governmental responsibility. The basic issue of integrity is the same if the matter relates to government regulation rather than to a property or money claim.

Third, the bill establishes special standards for skilled individuals whose primary activity is in private professional or business life, but whose skills are used by the government on a part-time or advisory basis. By permitting such individuals to carry on private business, even business with the government, as long as there is no direct conflict between their private and public work, ethical principles are maintained and a wide range of abilities are made available to government.

Fourth, this bill adds to the traditional criminal sanctions by permitting agency heads to adopt implementing regulation and impose disciplinary measures. Most of the existing laws are criminal statutes. As such they have been strictly construed and, because of their harshness, infrequently invoked. By granting this added flexibility we help to ensure more effective enforcement. In addition, the regulations which are adopted will permit more specific adaptation of the general prohibitions tailored to the activities of particular agencies.

Fifth, the bill deals only with employees involved in executive, administrative and regulatory functions. It does not apply to either judicial or legislative branch of government. Existing laws relating to the judiciary are deemed adequate. The adequacy and effectiveness of laws regulating the conduct of Members of Congress and Congressional employees should be left to strictly congressional determination.

Sixth, the proposed bill covers the District of Columbia and its employees. However the District -- essentially a municipal government -- has its own distinctive problems. I will submit legislation dealing with these problems in the near future.

II.

Ex-Parte Contacts with Officials of Independent Agencies

Some of the most spectacular examples of official misconduct have involved ex-parte communications -- undisclosed, informal contact between an agency official and a party interested in a matter before that official. Such covert influence on agency action often does basic injury to the fairness of agency proceedings, particularly when those proceedings are judicial in nature.

This problem is one of the most complex in the entire field of government regulation. It involves the elimination of ex parte contacts when those contacts are unjust to other parties, while preserving the capacity of an agency to avail itself of information necessary to decision. Much of the difficulty stems from the broad range of agency activities -- ranging from judicial type adjudication to wide-ranging regulation of entire industries. This is a problem which can best be resolved in the context of the particular responsibilities and activities of each agency.

I therefore recommend that the Congress enact legislation requiring each agency, within 120 days, to promulgate a code of behavior governing ex parte contacts within the agency specifying the particular standard to be applied in each type of agency proceeding, and containing an absolute prohibition against ex parte contact in all proceedings between private parties in which law or agency regulation requires that a decision be made solely on the record of a formal hearing. Only in this manner can we assure fairness in quasi-judicial proceedings between private parties. The statute should make clear that such codes when approved by Congress will have the force of law, and be subject to appropriate sanctions.

III.

Executive Orders and Presidential Action

There are several problems of ethics in government which can be dealt with directly by Presidential Order, Memoranda or other form of action.

First, I intend to prohibit gifts to government personnel whenever (a) the employee has reason to believe that the gift would not have been made except for his official position; or (b) whenever a regular government employee has reason to believe that the donor's private interests are likely to be affected by actions of the employee or his agency. When it is impossible or inappropriate to refuse the gift it will be turned over to an appropriate public or charitable institution.

Such an order will embody the general principle that any gift which is, or appears to be, designed to influence official conduct is objectionable. Government employees are constantly bothered by offers of favors or gratuities and have been without any general regulation to guide their conduct. This order will attempt to supply such guidelines, while leaving special problems including problems created by gifts from foreign governments, to agency regulation.

Secondly, I intend to prohibit government employees from using for private gain official information which is not available to the public. This regulation will be drawn with due regard for the public's right to proper access to public information. A government employee should not be able to transform official status into private gain, as is done, for example, if a government employee speculates on the stock market on the basis of advance knowledge of official action.

Third, I am directing that no government employee shall use the authority of his position to induce another to provide him with anything of economic value whenever the employee has reason to believe that the other person's private interests may be affected by the actions of the employee or his agency.

This regulation is an effort to deal with the subtler forms of extortion; where an employee acquiesces in the gift of an economic benefit, or gives a delicate indication of receptivity. The criminal law deals with outright extortion. Beyond this the problem is too elusive for the criminal law and must be dealt with by administrative regulation, and by the sound judgment of the administrator.

Fourth, I am directing that no government employee should engage in outside employment which is "incompatible" with his government employment.

The outside employment of government employees is one of the most complex and difficult of all ethical problems. It is clear that some forms of employment may have benefits to the government or society (e.g. teaching in universities); or be beneficial to the employee and not inconsistent with his government work. On the other hand, some types of outside work may involve exploitation of official position or be incompatible with the best interests of the agency to which the employee owes his first allegiance.

Since "incompatibility" of employment will depend on many varied factors, its definition will be left to agency and department regulation and case-by-case rulings.

Fifth, I will shortly issue an Executive Order regulating in more detail the conduct of those officials who are appointed by the President. These high level officials owe a special responsibility to the government and to the employees of their departments to set a high standard of ethical and moral behavior. Therefore the Executive Order (a) prohibits outside employment or activity of any sort incompatible with the proper discharge of official responsibility; (b) prohibits outside compensation for any activity within the scope of official duty; (c) prohibits the receipt of compensation for any lecture article, public appearance, etc., devoted to the work of the department or based on official information not yet a matter of general knowledge.

Sixth, In carrying out the provisions of law, I will apply government-wide standards to the continuance of property holdings by appointees to the Executive branch. The law prohibits any conflict of the public and private interests of employees of the government. The Senate, in the exercise of its power of confirmation, has taken the lead in requiring that Presidential appointees sell their property holdings in cases where retention of property might result in such a conflict of interest. The problem of property ownership by executive appointees is properly a matter of continuing congressional concern, and I welcome the initiative taken by the Jackson Subcommittee on Conflict of Interest. At the same time, the Executive Branch has an obligation to ensure that its appointees live up to the highest standard of behavior. It is to carry out this responsibility that I will apply general standards governing the ownership of property by Presidential appointees -- standards which will ensure that no conflict of interest can exist. It is my hope that these regulations will aid the Senate in the uniform exercise of its own responsibility.

IV.

The Administration of Ethical Standards

Criminal statutes and Presidential orders, no matter how carefully conceived or meticulously drafted, cannot hope to deal effectively with every problem of ethical behavior or conflict of interest. Problems arise in infinite variation. They often involve subtle and difficult judgments, judgments which are not suited to generalization or government-wide application. And even the best of statutes or regulations will fail of their purpose if they are not vigorously and wisely administered.

Therefore I am instructing each Cabinet Member and Agency Head to issue Regulations designed to maintain high moral and ethical standards within his own department. These regulations will adapt general principles to the particular problems and activity of each agency. To aid in the administration of these regulations each agency will establish an ad hoc committee to serve in an advisory capacity on ethical problems as they arise.

Although such agency regulation is essential, it cannot be allowed to dissolve into a welter of conflicting and haphazard rules and principles throughout the government. Regulation of ethical conduct must be coordinated in order to ensure that all employees are held to the same general standards of conduct.

Therefore I intend to designate, in the Executive Office of the President, a single officer charged with responsibility for coordinating ethics administration and reporting directly to the President. This officer will:

-- prepare, for Presidential proclamation, general regulations as needed;

-- develop methods of informing government personnel about ethical standards;

-- conduct studies and accumulate experience leading to more effective regulation of ethical conduct, including the formulation of rules in areas which are not yet regulated, such as government use of outside advisers and the contracting of government services to private institutions or firms; and

-- clear and coordinate agency regulations to assure consistent executive policy.

Such an officer will not only provide central responsibility for coherent regulation, but will be a means through which the influence of the Presidency can be exerted in this vital field.

V. CONCLUSION

Ultimately, high ethical standards can be maintained only if the leaders of government provide a personal example of dedication to the public service -- and exercise their leadership to develop in all government employees an increasing sensitivity to the ethical and moral conditions imposed by public

service. Their own conduct must be above reproach. And they must go beyond the imposition of general regulations to deal with individual problems as they arise -- offering informal advice and personal consideration. It will often be difficult to assess the propriety of particular actions. In such subtle cases honest disclosure will often be the surest solution, for the public will understand good faith efforts to avoid improper use of public office when they are kept informed.

I realize, too, that perhaps the gravest responsibility of all rests upon the office of President. No President can excuse or pardon the slightest deviation from irreproachable standards of behavior on the part of any member of the executive branch. For his firmness and determination is the ultimate source of public confidence in the government of the United States. And there is no consideration that can justify the undermining of that confidence.

JOHN F. KENNEDY

# # # # # # #

UNITED STATES GOVERNMENT

Memorandum

Misc.

DEPARTMENT OF JUSTICE

File

TO : Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division

DATE: April 2, 1963

LFO:JBJ:mo'b
5-54-283

FROM : Louis F. Oberdorfer
Assistant Attorney General
Tax Division

LFO by JBJ/a

SUBJECT: Herman L. Taylor and Samuel S. Mitchell

In response to your request of April 1, I am forwarding the Tax Division's section file regarding Messrs. Taylor and Mitchell. The basic facts of the case are reported in the first two documents in the file, the Regional Counsel's letter of March 1, 1961, and the Tax Division memorandum of April 20, 1961. The Department of Justice File No. 5-54-283, will contain the original signed copies of these memoranda.

You will note that both men pleaded guilty to failure to file tax returns in the years 1956 and 1957. In addition, Mr. Taylor was convicted after trial of evading taxes for the year 1955, which was affirmed on appeal. No decision has been given by the Fourth Circuit on the revocation of Mr. Taylor's probation for failure to pay the fine.

Mr. Rogovin, of course, has better access to any information that might indicate that the initiation of the case was caused by the legal activities of these attorneys on behalf of Negroes.

We shall be glad to discuss these cases with you.

File

Misc-

U. S. TREASURY DEPARTMENT

Commissioner of Internal Revenue

WASHINGTON 25, D. C.

March 26, 1963

Dear Burke:

I wonder if you could give us some background regarding the Southern Conference Educational Fund, Inc. and any information you might have bearing on the allegations made in the attached memorandum.

As you can appreciate, the allegations are extremely serious and we're most anxious to obtain information.

Sincerely,

Mitch

Mitchell Rogovin
Attorney Advisor
to the Commissioner

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington 25, D. C.

Attachment

John Jones: ~~[illegible]~~
I know about SCEF. [illegible]
[illegible]
BM

Misc.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Burke Marshall
Assistant Attorney General
Civil Rights Division

DATE: April 23, 1963

FROM : [illegible]. John Barrett
Second Assistant

SJB:arg 11,427

SUBJECT: Louis Donofrio; Charles Schafer; Unknown Subject; Officers of Rochester Police Department. Rufus Thomas Fairwell, Victim

144-53-145

Mr. Murphy and I have discussed this case, which involves the beating of a Negro service station attendant by two white police officers in Rochester, New York. You may recall that a local grand jury inquired into this case but returned no indictments - either against the officers or the Negro victim.

Mr. Murphy and I agree that this case, on its merits, warrants presentation to a federal grand jury. We also agree, however, that if the general departmental policy of deferring to local prosecutive action applies, then we should close the file.

It has been the Department's policy to close out cases, even though meritorious, where local authorities have taken good-faith (though unsuccessful) prosecutive action. In my view this policy should not apply where the local action has been presentation to a grand jury followed by a no-bill. I think the following reasons are sufficient to distinguish between a petit trial and a grand jury presentation by local authorities:

1. Trial is public, while a grand jury proceeding is secret. Thus it is easier to determine whether a trial has been "bona-fide" and whether there has been a full presentation of the evidence. Further, the public has been made aware, to the same extent it could be through a trial in federal court, of the conduct of the defendants.

SOUTHERN CONFERENCE EDUCATIONAL FUND, INC.
822 Perdido Street, New Orleans 12, La.

March 15, 1963

ACTION MEMO

TO: Friends in Virginia, North Carolina, District of Columbia and Maryland

FROM: Jim Dombrowski, Executive Director

RE: An Important Court Case to be Heard in your Area

The U.S. Court of Appeals, Fourth Circuit Court, sitting in Alexandria, Va., on Monday, March 25, will hear arguments in the appeal of Herman Taylor, noted civil rights lawyer who faces a two-year prison sentence on income-tax charges.

One of our board members, Attorney Len Holt of Norfolk, Va., is representing Taylor, with the support of the Committee to Assist Southern Lawyers of the National Lawyers Guild. Holt urges that as many people as possible attend the hearing on March 25.

Holt has made a careful study of the Taylor case. He is convinced that the prosecution, which was initiated by Southern agents of the Internal Revenue Department, can only be explained by Taylor's militant defense of the rights of Negroes.

Taylor practices law in Raleigh, N.C. He and his former law partner, Samuel Mitchell, have handled many of the major civil rights cases in North Carolina since 1952. They filed the original suit attacking school segregation in Raleigh. They handled the Raleigh sit-in cases; they attacked North Carolina's use of literacy laws to deny voting rights to Negroes. They challenged jury discrimination in some key cases, including that of Dr. A. E. Perry of Monroe, N.C. They were responsible for a widespread campaign for prison reform in North Carolina after they won a suit growing out of the death of a young Negro girl in prison.

Income-tax charges were filed against both Taylor and Mitchell in 1961--just after they had filed a new suit to speed school desegregation. Mitchell's case is also still pending. Taylor denied any fraud on income-tax reporting, but he was convicted and sentenced to two years in prison. The sentence was probated on condition that he pay a $20,000 fine and $32,000 in back taxes. He appealed, and the Fourth Circuit Court of Appeals cut the tax liability to $6,000 but let the fine stand. When he was unable to pay the fine, his probation was revoked. The hearing in Alexandria is to be on the appeal of that revocation. He says that this case itself has had such an adverse effect on his practice that he literally has no money to pay the fine. The appeal is based on the [illegible] that since he was honestly unable to pay the fine, this does not represent a willful probation violation.

We join Attorney Holt in urging you to attend this hearing and thus show your support for this man who has served the civil rights movement long and well. The hearing will be in the U.S. Post Office building, Alexandria, Va., on March 25, beginning at 9:30 a.m.

2. A federal prosecution after a state trial (whether it results in conviction or acquittal) brings into play the Department policy against double prosecutions - even where technical "double jeopardy" is not involved. There are no such considerations with respect to a federal prosecution following an unsuccessful presentation to a local grand jury.

3. In some southern states (and, indeed, in some northern ones) it is not uncommon to automatically present to a grand jury any allegations of police misconduct in order that the officers may be "exonerated." This presentation to a grand jury has no more real significance than a decision by a district attorney to decline prosecution. Accordingly, such a case, when reviewed for purposes of federal prosecution, should be considered strictly on its merits. To leave the burden on the side of showing, in each case, that the grand jury presentation was in bad faith would wash out those occasions with respect to which we had no information, one way or the other.

If you agree, as a matter of policy, that we should consider a case on its merits regardless of prior presentation to a local grand jury, Mr. Murphy will instruct the United States Attorney to prepare this case for prosecution.

Form No. G-13
Ed. 2-9-61)

From
THE ATTORNEY GENERAL

Deputy Attorney General	
Solicitor General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Antitrust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Legal Counsel	
Assistant Attorney General, Internal Security	
Assistant Attorney General, Civil Rights	
Administrative Assistant Attorney General	
Director, FBI	
Director, Bureau of Prisons	
Director, Office of Alien Property	
Commissioner, Immigration and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Special Assistant for Public Information	
Records Administration Office	

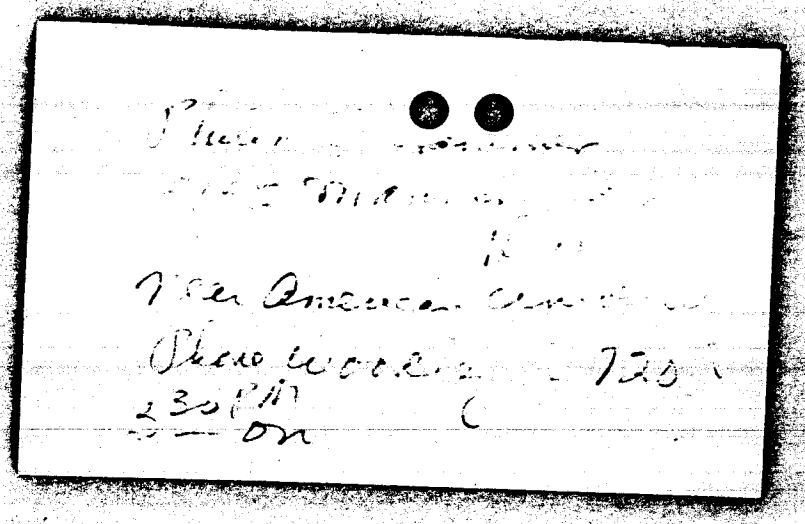
For the attention of Burke Marshall

1/28/63

REMARKS:

I think this would be good. Do you have any victims? If you approve please write letter from me.

RK



Misc.

Overseas Education Fund
of the League of Women Voters
1026 17th STREET, N.W., WASHINGTON 6, D. C.

Telephone:
NA. 8-0460

Jan. 18, 1963

Attorney General Robert Kennedy
Department of Justice
Constitution Ave.
Washington, D.C.

OFFICE
REC

Dear Bobby:

I certainly did not realize, when you were at my home last evening that you had just made your "debut". Please let me add my congratulations. As a long-time member of the League of Women Voters, I particularly enjoyed the report of your answer to Justice Goldberg's question!

But the occasion for my writing is your comment to the Democrats this morning - that much of the good that is happening in the South is never reported. I have been tremendously interested in telling our people and people throughout the world about how the successful desegregation of schools in Atlanta came about. The story of Atlanta is a significant forward step in the progress in race relations in the deep South because it is the story of community education for change (barricades notwithstanding - that is Mayor Allen's blunder). Better still, it is what you called it a year ago: the story of a citizen's movement. A great many persons, both here in the civil rights field and USIA and in Atlanta, propose to tell that story. Enclosed is a brief proposal for a documentary film and pamphlet that I hope you will read.

There is an overwhelming continuing need for materials that show how free citizens work together to achieve their goals. For example, in my new work with the Overseas Education Fund of the LWV it is my privilege to work with women from many countries who want to learn more about the principles and techniques of democracy as we in volunteer organizations [illegible] developed and applied them over [illegible] patterned after the successful ones we have given for Latin American women civic leaders for several years. It would be an enormous help to have the film we are talking about to show citizens sitting down together to solve problems. And I am hoping to have that film for the future.

Would you, if you think this worthwhile, write me a letter to that effect? I need not tell you that this would be helpful with the Foundations with which we are in contact.

I can't promise to have the Mayor and the Abrams always in tow but you know Phil and I would be delighted to see you at any time. Please come again.

Sincerely,

Jane Hammer

Mrs. Philip Hammer
Director of Training Programs

P.S. Mike was devastated not to see you, and sends his greetings.

cc. Mr. Burke Marshall, Justice
Mr. Berl Bernhardt, Civil Rights Com.
Mrs. Mildred Marcy, USIA

PUBLIC AFFAIRS COMMITTEE, INC.

22 EAST 38th STREET • NEW YORK 16, N. Y. • MU 3-4331

ERLING M. HUNT, Chairman
TELFORD TAYLOR, Vice Chairman
HOWARD HENDERSON, Treasurer
MAXWELL S. STEWART, Secretary and Editor

PUBLIC AFFAIRS FILM COMMITTEE
1785 Massachusetts Ave., N.W., Washington 6, D. C.
DALLAS JOHNSON, Pamphlet and Film Coordinator
GRANVILLE LARIMORE, M.D., Chairman

PROPOSAL:

For A Documentary Report Film and Pamphlet

PROPOSAL FOR A DOCUMENTARY REPORT FILM AND PAMPHLET

Subject:

CITIZEN ACTION in Atlanta, Georgia, leading to the preservation of public schools and to their gradual desegregation.

Foreword:

The successful desegregation of schools in Atlanta, Georgia, in the fall of 1961 was not accidental. A prodigious community effort took place that undoubtedly figured largely in this success. As Attorney General Robert Kennedy said in congratulating OASIS leaders for the part this organization played: "The answer obviously is a citizens' movement."

The citizens' movement in Atlanta was unique for more than one reason. It came about in response to an overwhelming need -- to save the public schools, which were threatened with closure. It united an entire community. It pioneered new ways of civic action. It was successful.

Atlanta's leaders had few materials to use in meeting this crisis. Practically no films were available. The few that were, were unsuitable. Published materials were inadequate. Information about the experiences of Little Rock and Norfolk, for example, was available but much was negative. Scattered materials had to be rewritten to adapt principles and techniques to local action. Education leaders had to feel their way with few if any precedents. Police had to develop their own unique training procedures.

Other communities need not face this vacuum, nor should they. Superintendents in Southern communities have overwhelmingly expressed a desire for the kind of assistance we believe this project will supply. Community leaders in many areas have expressed desire for Atlanta materials and would, we believe, not only welcome but grasp eagerly for a film that would illustrate and drive home the positive steps taken.

A documentary film can present the Atlanta developments both factually and dramatically. It can both inform and persuade. Study and adaptation of successful leadership patterns by other communities, both South and North, will be greatly facilitated.

All communities have racial problems, but in the South these problems have a peculiar intensity and character. In many Southern communities desegregation is still avoided as a topic of discussion, though all know its problems must be faced. Communications between the races have deteriorated, where they have not broken down. An objective report on how one Southern community faced up to the problems, and what both races working together did about them, would be of great value. It would help break the mental and emotional log jams and open the way for discussion.

This film would be of value to the North, also, where the problems concern not only schools but advances in desegregation in other areas such as housing. These communities also would gain by study of concepts of social action and leadership which might be applied to their problems.

Other nations want this report. The West German TV Network realizes what knowledge of citizen action can mean to people everywhere who are vitally concerned with democratic processes. For the scope of the applicability of the film is not limited to problems of race: the story of citizen action is the story of democracy.

Audience:

Service clubs, civic groups, PTAs, educators, police, city officials, and other opinion-shaping groups.

Purpose:

To help communities, especially those in the South, develop effective patterns for constructive social action, geared to any problem.

Format:

FILM: 25 to 30 minutes, 16mm, black and white, sound. Live photography on location. Re-enactments of actual events; stock footage of important events covered by newsreels; interviews to update the story and location photography to establish setting and accomplish transitions; limited animation to show organizational structures, still photographs re-photographed on motion picture film, filmograph style.

Pamphlet: An accompanying, or background pamphlet on the same subject will be published as one of the Public Affairs Pamphlet Series. This will, in the usual thorough PAC manner, present solid information for the group leaders and serious thinkers attempting to find solutions to segregation problems in their own communities. Such a pamphlet would be written by a writer of stature in the South, and would take its place among such noteworthy pamphlets in the PAC series as The Races of Mankind by Ruth Benedict, What's Happening in School Integration by Jean Grambs, 1957, and School Segregation, Northern Style by Will Maslow and Richard Cohen, 1961. The pamphlet will be approximately 8,000 words long, will include an introductory announcement of the film (see inside back cover diabetes pamphlet, attached) as well as a program guide to the joint use of film and pamphlet.

Content Highlights:

Atlanta, a growing metropolis, center of transportation and education: the Schools of Atlanta; the Supreme Court Decision and reactions to it; massive resistance on the state level; expressions by individual leaders on both sides; informal meetings and discussions [illegible] compliance; formation of leadership groups [illegible] Education), OASIS (Organizations Assisting Schools in September), the decision to include NAACP representatives in leadership meetings, The Atlanta School Board Plan for Compliance, "GUTS" (Georgians Unwilling to Surrender), the opposition group; the change of attitude on the part of the business group; the Sibley Report; quiet working behind the scenes by the newly constituted groups; support of the Mayor [illegible] desegregation of busses and portions of the public parks; second constitutional amendment passed by the legislature opening the way for local option on school desegregation; preparations for admission of Negroes to schools in September '61; plans for assisting the visiting press to tell

a positive story; working with local press, TV and radio; avoidance of mass meetings; Atlanta's preparations compared with those of other cities: Louisville, Kentucky, Dallas, Texas; some of the lessons learned in Atlanta; the unfinished task -- a challenge to "Citizen Action" in the years ahead.

Sponsoring Organization:

Public Affairs Committee, Inc., 22 East 38th Street, New York, New York, is a non-profit educational organization which for the past 25 years has published pamphlets on the most important issues of the times. (See 30 Million Pamphlets, The Story of Public Affairs Committee, attached.) More recently PAC has inaugurated a series of educational films on related subjects. Public Affairs Committee's reputation, way of working and distribution patterns are ideally suited to the "Atlanta Project." Its pamphlets reach the people who will use the film: school, church, and labor leaders, local and state governmental officials; and a vast network of service clubs, women's and young people's organizations.

Distribution - Utilization:

Public Affairs Committee has gained much experience in distributing educational materials, but each film requires its own unique promotion and distribution plan. Dallas Johnson, Film Coordinator for PAC, is a specialist in developing and carrying out such plans. She will see to it that the film prints reach the key organizations who can make the best use of them. There will be 60 pre-view prints (see budget) for this purpose and to stimulate sales and rentals by film libraries, government agencies, and other organizations. Some prints will be made available on a long term free loan basis to groups in crucial states which can make the most effective use of them. This will require some research, particularly among the groups from which the advisory committee is drawn. The Film Coordinator will work with the national offices of cooperating organizations to develop the strongest possible utilization plans to be activated on the state and local level. These national organizations, most of which have already cooperated with Public Affairs Committee in the past, will be supplied with 25,000 copies of the pamphlet for distribution to local levels. This is included in the budget.

A strong effort will be made to achieve outlets for the film through commercial and educational television. The length of the film -- 25 to 27 minutes -- makes it suitable for this type of showing. Direct mail promotion to TV stations by PAC will be coordinated with encouragement by local citizens groups of TV use of the film. The major use of the film, however, will be 16mm showings by citizen groups seeking answers to their community problems.

Film Producer:

Nicholas C. Read, Potomac Films, Inc., 1536 Connecticut Avenue, N. W., Washington, D. C., a native of Montgomery, Alabama, and a graduate of the University of North Carolina, who has had over 20 years experience in all aspects of film production.

Film Writer:

W. T. Betts

Film Editor:

Sylvia Cummins

Technical Adviser:

Jane Ross Hammer, a native of Charlotte, North Carolina, graduate of the University of North Carolina, former president of the Georgia League of Women Voters, director of OASIS, formerly on the faculty of Spelman College in Atlanta.

Advisory Committee: (to be confirmed)

Harold Fleming, Executive Director of the Potomac Institute, Washington, D.C.

Ralph McGill, Publisher, Atlanta Constitution.

Rev. Samuel Williams, President, NAACP, Atlanta Chapter.

Opie L. Shelton, Executive Vice President, Atlanta Chamber of Commerce.

William B. Hartsfield, Mayor of Atlanta.

John W. Letson, Superintendent of Schools, Atlanta.

Mrs. Walter Pascall, Director (Atlanta) Greater Atlanta and Georgia Councils on Human Relations.

Mrs. Thomas Breeden, Chairman of HOPE Inc. (Help Our Public Education)

Mrs. Edward Vinson, Public Relations Chairman, Leagues of Women Voters of Atlanta and Georgia.

Rev. Norman Shands, Pastor, West End Baptist Church.

Mrs. David Neiman, Information Chairman, OASIS (Organizations Assisting Schools in September)

Dr. Leslie W. Dunbar, Executive Director, Southern Regional Council.

Mrs. Phil B. Narmore, President, United Church Women at Atlanta.

Reed Sarratt, Editor, Southern School News

Robert A. Thompson, Executive Director, Urban League, Atlanta, Georgia.

Dr. Benjamin Mays, President, Morehouse College, Atlanta, Georgia.

Budget:

Production costs of the film are estimated to be $35,000. This includes research, script writing, purchase and copying of stock shot negatives, all original shooting, sound recording, laboratory costs, film editing, royalties, releases, music, insurance and answer print. In other words, the entire production package up through delivery of one approved screening print.

Distribution, promotion, and pamphlet costs would come to an estimated $10,000. This includes 60 preview prints of the film; 25,000 copies of the pamphlet; promotion (direct mail) by PAC; services and travel expenses of the Film Coordinator in establishing distribution and utilization patterns with cooperating organizations.

Other Films:

While some films have been done on the subject of desegregation of schools, none answers the needs of southern communities seeking a path to peaceful progress, and no city has pointed more clearly to that path than has Atlanta. Other successful preparations should not, of course, be ignored; and some shooting might be required in places other than Atlanta.

Life Expectancy:

While great strides are being made toward desegregation of schools in the South, much more rapidly than was thought possible a few years ago, it will still require many years before the problems related to this historic transformation are settled. Even then, many issues will remain. In short, a democracy free from issues which must be discussed and settled by its citizens is a contradiction of terms. Since the aim of this film is to demonstrate convincingly methods and patterns of citizen action and leadership techniques rather than merely to show the end results, this film should have a long period of usefulness. It may well be that if the South is successful in developing effective mechanisms for citizens' action as it goes through the throes of social change, it will set an example for the rest of the nation not equalled since the days of the great Virginians -- Washington, Jefferson, Madison, Patrick Henry and Monroe.

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OVERSEAS EDUCATION FUND
OF THE LEAGUE OF WOMEN VOTERS
1026 17th Street, N.W.
Washington 6, D. C.

Attorney General Robert Kennedy
Department of Justice
Constitution Ave.
Washington, D.C.

7 January 1964

MEMORANDUM FOR AL ROSEN

Here is another proposed request for a record analysis. This one is from Alabama, which will give you examples from Louisiana, Mississippi and Alabama.

Burke Marshall
Assistant Attorney General
Civil Rights Division

Attachment - Analysis of Records,
Bibb County, Alabama

HJM:EJP:ls
51-20-53

January 3 1964

Mr. J. B. Fuqua
P. O. Box 1404
Augusta, Georgia

Dear Mr. Fuqua:

Assistant Attorney General Burke Marshall has forwarded to my office your letter concerning Mr. Leroy W. Weathers, along with the accompanying enclosures you appended. While our investigation of the case has been continuing we have been unable, of course, to complete our evaluation. Our last contact, this week, with the United States Attorney's office in Augusta, Georgia, has indicated that the investigation is in its final stage and should be completed in the very near future. Once completed, the report will be given direct attention for a final prosecutive decision.

As Mr. Weathers has been told by Mr. Jack McGahee, in the latter's letter of December 13, 1963, we have notified Assistant United States Attorney William Morton that Army officials in Washington were advised by us that any administrative action they take against the transportation companies concerned is independent of our role in the matter. The decision of Army personnel to continue or discontinue their administrative action is entirely outside of our jurisdiction.

However, please be assured that our investigation and evaluation will be concluded at the earliest opportunity. Our staff has been following this case closely and continuously with the United States Attorney's office since the case began so that maximum coordination and expedition would be achieved.

Sincerely,

Assistant Attorney General

CC: Assistant Attorney General
Civil Rights Division

DEPARTMENT OF JUSTICE

ROUTING SLIP

	NAME	DIVISION	BUILDING	ROOM
1.	AAG. Miller			
2.	Bill Miller			
3.				
4.				

- ☐ SIGNATURE
- ☐ APPROVAL
- ☐ SEE ME
- ☐ RECOMMENDATION
- ☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
- ☐ PREPARE REPLY FOR THE SIGNATURE OF _____
- ☐ COMMENT
- ☐ NECESSARY ACTION
- ☐ NOTE AND RETURN
- ☐ CALL ME
- ☐ PER CONVERSATION
- ☐ AS REQUESTED
- ☐ NOTE AND FILE
- ☐ YOUR INFORMATION

REMARKS

Jack:

As per our telephone conversation.

Would you let me know?

BM

30 December

Received
DEC 30 1953
AAG Criminal

FROM: NAME	BUILDING, ROOM, EXT.	DATE

STATE DEMOCRATIC EXECUTIVE COMMITTEE
OF GEORGIA

J. B. FUQUA, Chairman
P. O. BOX 1404
AUGUSTA, GEORGIA

December 26, 1963

Hon. Burke Marshall
Assistant Attorney General
Department of Justice
Washington, D. C.

Dear Burke:

I will greatly appreciate it if you will turn over the enclosed to whoever in the Justice Department handles the type of case involved. I believe it should go to Mr. Carl W. Belcher.

The party involved in this proceeding, Mr. Leroy W. Weathers, is a former client of Governor Sanders, and has been a good friend of ours for many years. He enjoys an excellent reputation in the community. This man was apparently caught in the wholesale embargo against all of the furniture moving firms doing business at Fort Gordon near Augusta, but, apparently, no evidence has been developed that would warrant any action. On the other hand, failure of the Justice Department to act has prevented him from being able to resume his normal business with the military.

Governor Sanders and I will appreciate whatever you can do to get this matter expedited.

With warm personal regards.

Sincerely,

J. B. Fuqua

JBF/ww